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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF APPEALS AND INTERFERENCES**

Application No. : 10/584,276  
Confirmation No. : 4085  
Applicant : Robert Cudini  
Filed : May 21, 2007  
Title : Modular Measuring Device  
TC/A.U. : 4176  
Examiner : A. T. Devito  
Docket No. : CUDI3001/FJD  
Customer No. : 23364

**REPLY BRIEF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22202-3514

Sir:

Receipt of the Examiner's Answer dated June 27, 2011 is gratefully acknowledged.

This appeal involves two issues, both of which were addressed in the Examiner's Answer. The first issue requires clarification.

(1)

Appellant has argued that Dreyer does not disclose a modular design. The examiner acknowledges Appellant's position, and states on page 14 of his Examiner's Answer that "...appellant submits a wikipedia reference in attempt to further define the term 'modular'." The examiner then states that "...even if one were to consider this alternate definition, the prior art still rads on the term 'modular'." What the examiner means by "alternate definition" is not clear. There is no other definition in this appeal. Clarification is requested.

The Wikipedia definition that was quoted requires that the various parts must themselves be modules in order for the assembly to be a modular design. Dreyer does say that “[t]he electronics and sensor element are separate components which can be used independent of one another and are only linked via the connection element.” But Dreyer does not say that the electronics and the sensor element are themselves modular. The sensor and the sensor element are not the same thing. Dreyer states that the sensor may be modular, not the sensor element. So, the parts that can be used independently of one another (the electronics and the sensor element) are not disclosed as modular, only the sensor itself. This does not equate to the present invention where the sensor is modular and the electronics is modular. The difference cannot be doubted. What is it that is modular? This question must be answered by a critical review of the references applied. A casual reference to “modular” is not sufficient. Precision is necessary.

(2)

The examiner states on page 15 of the Examiner’s Answer that: “Olsson teaches how to uniquely define plug and receptacle pairs to mate multiple modules of electrical equipment.”

But, Olsson does not mention the term “module” in defining its components. What then is the basis for the examiner to suggest that the electrical equipment of Olsson is modular? We see no basis in Olsson.

Again, precision in language is important in Patent Law. If “modular” is intended and recited in a claim, then modular must be found in the references. One cannot create a meaning to suite a rejection. It must be found in the reference.

The Board is urged to consider the above in its deliberation.

Respectfully submitted,



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August 29, 2011

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